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PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

IN RE APPLICATION OF: Gjerset, Ruth *et al.*
APPLICATION NO.: 09/335,461
FILED: 7 November 1994
FOR: **ENHANCING THE SENSITIVITY OF
TUMOR CELLS TO THERAPIES**

EXAMINER: Low, Christopher
ART UNIT: 1653

Declaration of Prior Invention Under 37 C.F.R. § 1.131

Assistant Commissioner for Patents
Washington, D.C. 20231

1. This Declaration establishes invention in the United States prior to March 1994.
2. This Declaration is being made by Ruth A. Gjerset i.e., one of the co-inventors named in this application.
3. Before March 1994, my co-inventor, Dr. Sobol, and I conceived the invention currently claimed in the above-identified patent application. A listing of these claims is attached as Exhibit A. Our conception and reduction to practice of the invention is corroborated by the following documentation:
 - a) Thirteen pages of entries from a laboratory notebook ("notebook") detailing the experimental protocol and results that underlie the present invention, attached as Exhibit B. The dates contained within the entries have been blacked out, but they are prior to March, 1994.
4. As shown in the notebook pages, as of a date prior to March 1994 we had conceived of a way of increasing the sensitivity of tumor cells to cancer therapies by introducing wild-type p53 into the tumor cells and subjecting them to a cancer therapy. The graphs on pages 2, 6, 7, 8, 12 and 13 illustrate that, prior to March 1994, we had introduced wild-type p53 into tumor cells, subjected the tumor cells to cancer therapy which resulted in increased cell death of the p53 expressing

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tumor cells, and thereby increased the sensitivity of the tumor cells to the cancer therapy.

5. I declare that all statements made herein of my own knowledge are true, and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, (18 U.S.C. §1001) and that such willful false statements may jeopardize the validity of this application or any patent issued thereon.



Ruth A Gjerst

Date 12-18-02

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